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PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: S. KASAKA et al
Serial No. 10/679,414 Group Art Unit: 2125
Filed: October 7, 2003 Examiner: Z. CABRERA
For: POWER GENERATION PLANT REMOTE OPERATION SYSTEM

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION (37 CFR 1.321(b)) (ref OG 7-28-92)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The evidentiary documents accompanying or referred to in the Terminal Disclaimer have been reviewed by the undersigned and it is certified that, to the best of the assignee's/assignees' knowledge and belief, title is in the assignee/assignees seeking to take action.

The Assignment was recorded on May 20, 2002, at Reel 012910, Frame 0062. Assignee/Assignees: Hitachi, Ltd.

I/We the Petitioner/Petitioners, as indicated herein, am/are the owner/owners of 100 percent interest in the instant application. Petitioner/Petitioners hereby disclaims/disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer filed prior to the grant of any patent granted on U.S. Patent Application Serial No. 10/078,378, filed on February 21, 2002. Petitioner/Petitioners hereby agrees/agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the above-listed application are commonly owned. This agreement runs with any patent granted on the application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner/Petitioners does/do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of the above-listed patent application in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer filed prior to its grant.

The undersigned is an attorney of record who may sign this Disclaimer in accordance with 37 CFR § 1.321(b)(1)(iv).

I/We hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Attorney of Record:

John R. Mattingly	Attorney of Record	April 14, 2005	
(Printed Name)	(Printed Title)	(Date)	(Signature)

☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.
☒ The Commissioner is hereby authorized to charge any additional payment due, or to credit any overpayment, to Deposit Account No. 50-1417.
☒ PTO suggested wording for terminal disclaimer was
☒ unchanged, ☐ changed (if changed, an explanation should be supplied).

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